

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

COLORQUICK, L.L.C.,

Plaintiff,

vs.

**VISTAPRINT LIMITED and
OFFICEMAX INCORPORATED,**

Defendants.

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CASE NO. 6:09cv323 LED-JDL

JURY DEMANDED

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Before the Court is Vistaprint Limited's Motion for Summary Judgment of Invalidity (Doc. No. 135) and Colorquick L.L.C.'s Motion for Partial Summary Judgment on Defendant's Vistaprint.com Invalidity Defense (Doc. No. 140). The Court heard argument on the motions on May 13, 2011. Upon consideration of the parties' arguments, the Court **RECOMMENDS** that both motions be **DENIED**.

Within fourteen (14) days after receipt of the Magistrate Judge's Report, any party may serve and file written objections to the findings and recommendations contained in the Report. A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen (14) days after being served with a copy shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415,

1430 (5th Cir. 1996).

So ORDERED and SIGNED this 16th day of May, 2011.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE